

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

**R. ALEXANDER ACOSTA,
SECRETARY OF LABOR,
UNITED STATES DEPARTMENT
OF LABOR,**

Plaintiff,

V.

MARIN J. CORPORATION

Defendant.

NOTICE OF DISMISSAL WITHOUT PREJUDICE

CIVIL ACTION No. 1:18-CV-184

THE SECRETARY'S NOTICE OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Rule 41(a)(1), Plaintiff R. Alexander Acosta, Secretary of Labor, United States Department of Labor (the “Secretary”) hereby files his *Notice of Dismissal Without Prejudice*, dismissing the instant action without prejudice, and proffers the following in support thereof:

1. On July 26, 2018, the Secretary filed a Complaint and associated Motion for Preliminary Injunction in this Court (“Motion”) against Defendant Marin J. Corporation (“Marin J.”) seeking to permanently enjoin and restrain Marin J. from prospectively violating the provisions of 8 U.S.C. § 1182(a) and (c)(4), as well as the implementing regulations at 20 C.F.R. Part 655 (the “H-2A Regulations”).

SO ORDERED this 2nd day of January, 2019.

Stephen N. Limbaugh, Jr.
United States District Judge

2. Thereafter, on August 6, 2018, after reviewing the Parties' Agreed Motion for Entry of Preliminary Injunction, this Court issued an Order Granting Preliminary Injunction (the "Order").

3. As a result of this Court's entry of the Order, and subsequent termination of Form 9142A Temporary Employment Certifications H-300-18102-843410 and H-300-18124-947696, the need for continuing injunctive relief has become largely moot.

4. Under Rule 41(a) of the Federal Rules of Civil Procedure, a plaintiff may voluntarily dismiss an action, in the absence of a court order, where the notice of dismissal is filed "before the opposing party serves either an answer or a motion for summary judgment." FED. R. CIV. P. 41(a).

5. Here, Marin J. has yet to either file an Answer to the Secretary's Complaint or a related dispositive motion. Thus, in accordance with Rule 41(a), the Secretary may dismiss this action, without prejudice, as of right.

WHEREFORE, the Secretary hereby affords notice of his dismissal of this action without prejudice.

Respectfully submitted,

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H. ALICE JACKS
Associate Regional Solicitor

BOYCE N. RICHARDSON
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/s/ Charles W. Gordon
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CERTIFICATE OF SERVICE

I hereby certify that, on December 28, 2018, I electronically filed the Secretary's *Notice of Dismissal Without Prejudice*, using the CM/ECF system, which will send notification of such filing to the following:

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